

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

STARSKY BOMER §
VS. § CIVIL ACTION NO. 1:20cv199
F.J. GARRIDO §

ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Starsky Bomer, through counsel, filed the above-styled petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of this Court. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the petition be dismissed without prejudice for failure to exhaust administrative remedies.

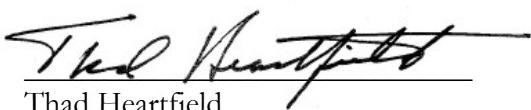
The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Petitioner filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections in light of the pleadings and the applicable law. After careful consideration, the court is of the opinion the objections are without merit. Petitioner has shown no authority for the proposition that the requirement of exhaustion of administrative remedies should be excused in his situation. Petitioner states he is entitled to seek judicial relief 30 days after requesting relief from the warden. *See* 18 U.S.C. § 3582(c)(1)(A). However, that statutory provision applies to a motion for modification of sentence filed pursuant to Section 3582(c), rather than a petition for writ of habeas corpus filed under Section 2241. To proceed with a petition, an inmate exhaust his claim through all four steps of the grievance process.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment shall be entered dismissing the petition.

SIGNED this the **19** day of **July, 2021**.



Thad Heartfield
United States District Judge